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REMARKS

Claims 12, 24, and 31 have been amended. Claims 1 – 36 are pending in this Application. Reconsideration and further examination is respectfully requested.

Claim Rejections – 35 USC § 102

Claims 1, 3, 12, 13, 24, and 31 were rejected under 35 U.S.C. 102(e) as being anticipated by Wang et al. (US Patent No. 6,636,505). This rejection is respectfully traversed.

The Applicants' exemplary claim 12 sets forth:

"A device comprising:  
a user application requiring communication services from an optical communication network; and  
an optical service agent for communicating with the optical communication network and providing optical communication network bandwidth management services for the user application."

The Applicants have thus provided automated optical communication network bandwidth management services for a device, whereas heretofore optical networks were manually provisioned.

The Office Action contends that Wang teaches an optical service agent for providing bandwidth management services. The Applicants respectfully disagree.

Wang discloses a CPE application for automatically initiating service between an ADSL modem and a service provider, so that a user need not intervene in the process (Col. 5 lines 66 – Col. 6 line 3). In Wang, the service provider may utilize an ATM network. When a user

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requests service initiation, the network service provider manually configures the ATM network to provide the service. (Fig. 2, Col. 5 lines 37 – 45.) Note that there is no communication between the CPE and any optical communication network to provision bandwidth management services. Rather, this task is performed by the operator at the service provider, in the common prior art manner. Wang therefore fails to teach or suggest “an optical service agent for communicating with the optical communication network and providing optical communication network bandwidth management services for the user application” as the Applicants have claimed. The Applicants therefore respectfully assert that claim 12 and its dependent claims 13 and 15 are in condition for allowance.

The Applicants’ independent claim 24 similarly claims “a first network user coupled to the optical communication network, wherein the first network user comprises an optical service agent for obtaining optical communication services from the optical communication network via a user-to-network interface (UNI) communicating with the optical communication network and for providing bandwidth management services for the first network user”. The Applicants therefore respectfully assert that claim 24 and its dependent claim 26 are in condition for allowance for the same reasons as set forth with regard to claim 12.

The Applicants’ independent claim 1 sets forth “optical service logic for interacting with the optical communication network via the UNI and with the peer users via the peer-to-peer interface for providing said bandwidth management services for the user”. The Applicants therefore respectfully assert that claim 1 and dependent claim 3 are in condition for allowance for the same reasons as set forth with regard to claim 12.

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The Applicants' independent claim 31 sets forth a method for managing bandwidth for a user in an optical communication system comprising at least one of several bandwidth management steps taken by an optical service agent in the user on a connection in the optical communication system. Thus, an agent in the user interacts with the optical communication system to manage bandwidth. Again, Wang fails to teach or suggest such an optical service agent. The Applicant therefore respectfully asserts that claim 31 is in condition for allowance.

Claim Rejections – 35 USC § 103

Claims 2, 14, and 25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wang in view of Lo et al. (US Patent Pub. No. 2002/0156914). This rejection is respectfully traversed.

Claims 2, 14, and 25 depend from claims 1, 12, and 24 respectively. Lo fails to add anything further to Wang that would solve the deficiencies of Wang as have been set forth previously with regard to Claims 1, 12, and 24. Since Wang, Lo, and any combination thereof fail to teach or suggest the Applicants' claimed invention, the Applicants respectfully assert that claims 2, 14, and 25 are in condition for allowance.

Claims 4 – 11, 16 – 23, 28 – 30, and 32 – 36 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wang in view of Vaid et al. (US Patent No. 6,341,309). This rejection is respectfully traversed.

Claims 4 – 11 are dependent upon claim 1. Claims 16 – 23 are dependent upon claim 12.

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Claims 28 – 30 are dependent upon claim 24. Claims 32 – 36 are dependent upon claim 31. Vaid fails to add anything further to Wang that would solve the deficiencies of Wang as have been set forth previously with regard to Claims 1, 12, 24, and 31. The Applicants therefore respectfully assert that claims 4 – 11, 16 – 23, 28 – 30, and 32 – 36 are in condition for allowance.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned, Applicants' Attorney at 978-264-6664 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

2/1/05  
Date

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